

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIM CHIN,
Plaintiff,

v.

CVS PHARMACY, INC.,
Defendant.

CIVIL ACTION NO. 04-11614RGS

**JOINT MOTION FOR APPROVAL OF SETTLEMENT AND
TO DISMISS CASE WITH PREJUDICE**

WHEREAS, Plaintiff Tim Chin commenced this action asserting that Defendant CVS Pharmacy, Inc. failed to pay him wages and/or overtime for certain hours worked; and

WHEREAS, Defendant denies Plaintiff's allegations; and

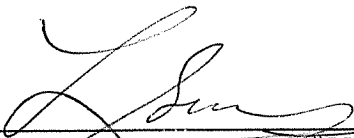
WHEREAS, the Parties have agreed to resolve their dispute pursuant to the terms of a Negotiated Settlement Agreement and General Release; and

WHEREAS Plaintiff acknowledges that he has been paid for all alleged unpaid wages and/or overtime and intends to fully and without limitation release Defendant from any and all claims, including claims that may or could have been asserted under the Fair Labor Standards Act in this matter.

NOW THEREFORE, the Parties jointly move pursuant to Fed. R. Civ. P. 41(a)(2) that the Court approve the settlement and dismiss this matter with prejudice and without costs or attorneys' fees to either party.

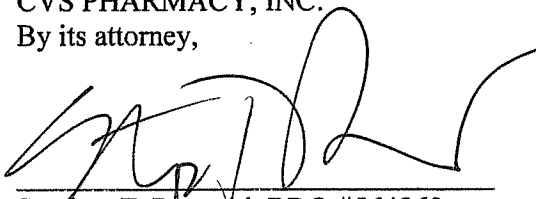
Respectfully submitted,

TIM CHIN
By his attorney,



Laurence E. Sweeney, BBO #559208
9 Lynn Avenue
Chelmsford, MA 01863
(978) 884-2140

CVS PHARMACY, INC.
By its attorney,

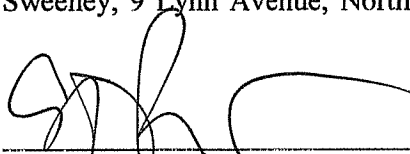


Stephen T. Paterniti, BBO #564860
Jackson Lewis LLP
75 Park Plaza
Boston, MA 02116
(617) 367-0025

Date: September __, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of ~~September~~ ^{October}, 2004, a copy of the foregoing was served on Plaintiff's attorney, Laurence E. Sweeney, 9 Lynn Avenue, North Chelmsford, MA 01863, via first-class mail, postage prepaid.



Jackson Lewis LLP

H:\PaterniS\cvs (1349)\chin (76866)\pleadings\jt motion for approval and to dismiss.DOC